



Senate

General Assembly

File No. 375

February Session, 2016

Substitute Senate Bill No. 244

Senate, March 31, 2016

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE REPORTING OF INJURIES RESULTING FROM THE DISCHARGE OF A FIREARM AND STAB WOUNDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-490f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Each hospital, outpatient surgical facility and outpatient clinic
4 shall report or cause a report to be made to the local police department
5 or the state police of each person treated for a bullet wound, a gunshot
6 wound or any injury arising from the discharge of a firearm or a stab
7 wound. Such report shall be made as soon as practicable after the
8 treatment is rendered and shall contain the name and address of the
9 injured person, if known, the nature and extent of the injury and the
10 circumstances under which the treatment was rendered.

11 (b) A report required under subsection (a) of this section shall
12 include:

- 13 (1) The name, residence, sex and age of the patient;
- 14 (2) The type of wound the patient received; and
- 15 (3) The name of each health care provider treating the patient's
16 wound.
- 17 (c) An employee of the hospital, outpatient surgical facility or
18 outpatient clinic shall ensure that any bullet or other foreign object or
19 clothing showing damage potentially related to the wound removed
20 from any such patient shall be identified as coming from such patient
21 and kept in a manner that preserves the integrity of the item, until an
22 employee of such entity surrenders the item to the local police
23 department or the state police or until the period for retention of such
24 item expires pursuant to such entity's policy for retention of such item,
25 whichever is earlier.
- 26 (d) Any hospital, outpatient surgical facility or outpatient clinic or
27 employee of any such entity who in good faith, and without gross
28 negligence or wilful or wanton misconduct, makes a report pursuant
29 to this section, cooperates during the course of an investigation or
30 proceeding concerning the reported wound, or preserves an item or
31 surrenders such item to the local police department or state police
32 pursuant to subsection (c) of this section, shall be immune from civil or
33 criminal liability or any action for suspension, revocation or surrender
34 of any professional license, registration or certification held by such
35 entity or employee, arising from or related to the report, cooperation
36 with an investigation or proceeding or the preservation or surrender of
37 any such item.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2016	19a-490f
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Statement of Legislative Commissioners:

In subsection (d), "preservation and surrender" was changed to "preservation or surrender" for accuracy.

JUD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

Requiring hospitals to report stab wounds results in no fiscal impact to the state. The University of Connecticut Health Center, which under existing law must report gunshot wounds, can utilize the same process to report stab wounds.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 244*****AN ACT CONCERNING THE REPORTING OF INJURIES RESULTING FROM THE DISCHARGE OF A FIREARM AND STAB WOUNDS.*****SUMMARY:**

This bill requires hospitals, outpatient surgical facilities, and outpatient clinics to report stab wounds to the police. Existing law already requires them to report on bullet wounds, gunshot wounds, and other injuries caused by a firearm discharge (hereinafter, “gunshot wounds”). The bill also (1) adds to the information that must be included in these reports and (2) sets requirements for how these health care facilities’ employees must handle evidence related to such injuries.

Finally, under certain circumstances, the bill provides these facilities and their employees with immunity from civil or criminal liability or professional discipline for this reporting and related matters.

EFFECTIVE DATE: October 1, 2016

REPORTING OF STAB WOUNDS OR GUNSHOT WOUNDS

As under existing law regarding gunshot wounds, the bill requires hospitals, outpatient surgical facilities, and outpatient clinics to report on stab wounds to the local or state police as soon as practicable after treatment. It does not define “stab wound.”

Existing law requires the reports on gunshot wounds to provide the (1) name and address of the injured person, if known; (2) nature and extent of the injury; and (3) circumstances of treatment. The bill extends these provisions to stab wound reports. It also requires reports for both types of wounds to include the (1) patient’s age and sex, (2)

type of wound, and (3) name of each health care provider treating the wound.

EVIDENCE RETENTION

The bill requires an employee of these health care facilities to ensure that any bullet, other foreign object, or clothing with damage potentially related to a gunshot or stab wound that is removed from a patient is identified as coming from that patient. The employee must also ensure that these items are kept in a way that preserves their integrity, until a facility employee surrenders the item to the police or the retention period for the item under the facility's retention policy expires, whichever is earlier.

IMMUNITY

Under the bill, any of these facilities or their employees who make the report, cooperate during the ensuing investigation or proceeding, or preserve or surrender the item to the police as set forth above, are generally immune from liability arising from or related to these actions. The immunity applies to civil or criminal liability or the suspension, revocation, or surrender of a professional license, registration, or certification. However, immunity does not apply if the facility or employee (1) did not act in good faith or (2) committed gross negligence or willful or wanton misconduct.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/11/2016)